



IAP15 Rec'd PCT/PTO 15 SEP 2006

PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Mail Stop: PCT Branch**  
Gerhard EIDENHAMMER et al. : **Confirmation No. 8670**  
Serial No. 10/540,254 : **Art Unit 1614**  
Filed August 17, 2005 : **Attorney Docket No. 2005\_1013A**  
  
METHOD FOR THE PRODUCTION OF A :  
STABLE INJECTABLE FORMULATION :  
MADE OF DIFFICULT TO DISSOLVE :  
ANTINEOPLASTIC ACTIVE SUBSTANCES :

**REQUEST FOR CORRECTED FILING RECEIPT**  
**AND NOTICE OF ACCEPTANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A corrected Filing Receipt and corrected Notice of Acceptance are requested in the above-referenced case. In particular, please correct the foreign priority application filing date to properly recite –5/19/2003– instead of “3/19/2003.” Also, please correct the domestic priority data on the Filing Receipt to recite –PCT/EP2004/005268– instead of “PCT/EP04/05268.” Copies of the original Filing Receipt and Notice of Acceptance are enclosed, with the changes noted thereon.

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975



ATTY DOCKET #: 2005\_1013A

Confirmation No. 8670

OUR REF: 2005\_1013A/MJ/01567

Applicant: Gerhard EIDENHAMMER et al.

Serial No.: 10/540,254

Title: METHOD FOR THE PRODUCTION OF A STABLE INJECTABLE FORMULATION

MADE OF DIFFICULT TO DISSOLVE ANTINEOPLASTIC ACTIVE SUBSTANCES

Due Date: N/A

Receipt of the following papers is acknowledged:

Request for Corrected Filing Receipt and Notice of Acceptance  
copy of Notice of Acceptance, marked-up  
copy of Filing Receipt, marked-up

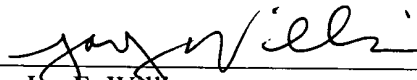
Date: September 15, 2006

Attorney: JFW/aad

Expedited issuance of the corrected Filing Receipt and corrected Notice of Allowance are respectfully requested.

Respectfully submitted,

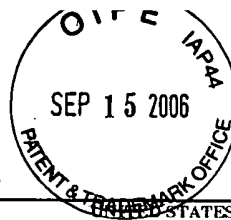
Gerhard EIDENHAMMER et al.

By   
Jay F. Williams  
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September 15, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

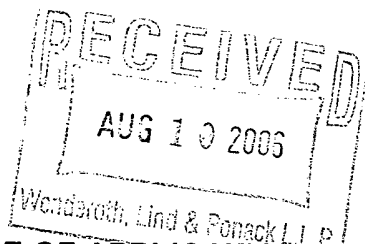


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U.S. APPLICATION NUMBER NO. 10/540,254	FIRST NAMED APPLICANT Gerhard Eidenhammer	ATTY. DOCKET NO. 2005_1013A
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INTERNATIONAL APPLICATION NO. PCT/EP04/05268	
I.A. FILING DATE 05/17/2004	PRIORITY DATE <del>03/19/2003</del> 05/19/2003

513  
WENDEROTH, LIND & PONACK, L.L.P.  
2033 K STREET N. W.  
SUITE 800  
WASHINGTON, DC 20006-1021



CONFIRMATION NO. 8670  
371 ACCEPTANCE LETTER  
\*OC00000019881602\*

Date Mailed: 08/04/2006

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>08/17/2005</u>	<u>08/17/2005</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 06/22/2005
- English Translation of the IA filed on 06/22/2005
- Copy of the International Search Report filed on 06/22/2005
- Information Disclosure Statements filed on 06/22/2005
- Oath or Declaration filed on 08/17/2005
- Request for Immediate Examination filed on 06/22/2005
- U.S. Basic National Fees filed on 06/22/2005
- Priority Documents filed on 06/22/2005

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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SHELBY J VIGIL

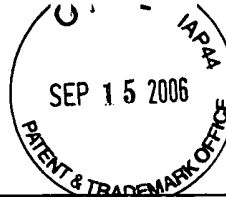
Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)



## UNITED STATES PATENT AND TRADEMARK OFFICE

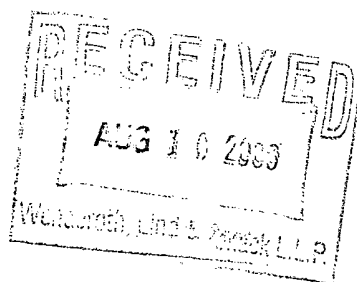


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/540,254	08/17/2005	1614	900	2005_1013A		11	1

CONFIRMATION NO. 8670

513  
 WENDEROTH, LIND & PONACK, L.L.P.  
 2033 K STREET N. W.  
 SUITE 800  
 WASHINGTON, DC 20006-1021



## FILING RECEIPT



\*OC000000019881601\*

Date Mailed: 08/04/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Gerhard Eidenhammer, Mondsee, AUSTRIA;  
 Heinz Schnait, Seewalchen, AUSTRIA;

Power of Attorney: The patent practitioners associated with Customer Number 513.

## Domestic Priority data as claimed by applicant

PCT/EP 2004/005268

This application is a 371 of PCT/EP 04/05268 05/17/2004

## Foreign Applications

05/19/2003

AUSTRIA A 7602003 05/19/2003

If Required, Foreign Filing License Granted: 08/03/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/540,254**

Projected Publication Date: 11/09/2006

Non-Publication Request: No

Early Publication Request: No

Title

Method for the production of a stable injectable formulation made of difficult to dissolve antineoplastic active substances

## Preliminary Class

514

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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